



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-L

CONCURRENCE COPY

Nina Butler
Rock-Tenn Company
3950 Shackleford Road
Duluth, GA 30096

Re: FOIA EPA-R8-2014-000157
Smurfit Stone Mill Site 104(e) Responses

Dear Ms. Butler,

This is in response to your Freedom of Information Act request EPA-R8-2014-000157 regarding Smurfit Stone Mill documents. You will find *enclosed* copies of some of the documents responsive to your request with this communication.

We are unable to provide you with other documents, or portions of the documents, that have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. § 552(b)(4) (confidential business information claimed). An itemized list of the withheld material, along with the basis for withholding, is provided in the enclosure to this letter. Pursuant to 40 C.F.R. 2.204(d)(1), your request is being initially denied because further inquiry by the U.S. Environmental Protection Agency (EPA) is required before a final determination can be made. We will consult with the third party in connection with their business confidentiality claim(s) covering these records and the EPA Region 8 Office of Regional Counsel will issue a final confidentiality determination.

As noted above, the information withheld under Exemption 4 will be sent to the appropriate legal office to issue a final confidentiality determination. Therefore, you do not need to appeal the information withheld pursuant to Exemption 4. Once the legal office issues a final confidentiality determination, the EPA will notify you whether the information qualifies for confidential treatment or may be released. To the extent you would like to appeal any other issue, you may appeal this partial denial response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, NW (2822T), Washington, DC 20460 (~~U.S. Postal Service Only~~), email: hq.foia@epa.gov. Only items mailed through the U.S. Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6414J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number shown above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Sabendschan
8ENF-RC
10/30/13

2MB
8RC
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w/ edits
edit made
11/9/13
sa

Approved ENF-L
11-5-13

Please contact Sharon Abendschan at 303.312.6957 should you have any questions concerning this matter.

Sincerely,

Martin Hestmark
Assistant Regional Administrator
Office of Ecosystems Protection
and Remediation



Index of Documents Withheld

Document Description

re *Cover letter and claimed*
Letter regarding confidential documents produced in response to Section
104(e) of CERCLA regarding the Smurfit Stone Mill Site in Montana, M2Green

EPA SDMS Number

Exemption

1267844

5 U.S.C. § 552(b)(4)

*add
1
pages
in file
(277?)*